



RULE-MAKING ORDER

CR-103 (June 2004)
(Implements RCW 34.05.360)

Agency: Department of Ecology A.O. #05-12

☒ Permanent Rule
☐ Emergency Rule

Effective date of rule:

Permanent Rules

☒ 31 days after filing.
☐ Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

☐ Immediately upon filing.
☐ Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes ☒ No If Yes, explain:

Purpose: Amend Shoreline Management Act rules to ensure conformity with existing statutes, hearing board cases, court decisions, and Federal guidance; and clarify the process for updating Shorelines of the State. Ecology has initiated the process of updating local Shoreline Master Programs, which will include maps and text that update Shorelines of the State (i.e. the area regulated by the Act within each city and county). The rule amendment resolves any potential conflict between updated Shoreline Master Programs and the existing rule, through specifying that approved updated Shoreline Master Programs will be utilized to delineate Shorelines of the State.

Citation of existing rules affected by this order:

Repealed: n/a

Amended: Chapters 173-18-040, -044 and -046; 173-20-044, -046 and -640; 173-22-030, -040, -050, -055 and -060; and 173-27-040, -045, -060, -070, -090, -100 and -130 WAC

Statutory authority for adoption: RCW 90.58.030(3)(e), 90.58.045, 90.58.065, 90.58.140(9), 90.58.143, 90.58.147, 90.58.200, 90.58.355, 90.58.390, 90.58.515, 43.21K.080, 70.105D, 71.09.250, 71.09.342, 77.55.181, 80.50, 89.08.460

Other authority :

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 06-16-059 on July 28, 2006.

Describe any changes other than editing from proposed to adopted version: Section 173-27-060 was revised to clarify permitting processes related to Federal lands and activities, in accord with Federal agency guidance on procedures to determine consistency between Federal activities and a State's Coastal Zone Management program.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: Tryg Hoff

phone ((360)) 407-6865

Address: Department of Ecology, P. O. Box
47600 Olympia, WA 9504-7600

fax (360) 407-6989

e-mail thof461@ecy.wa.gov

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- ☐ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- ☐ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

Date adopted:

1/2/07

NAME (TYPE OR PRINT)

Jay J. Manning

SIGNATURE

Jay J. Manning

TITLE

Director, Department of Ecology

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

JAN 2 2007

4:05

07-02-086

AM
PM

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

| | | | | | | |
|---|-----|----------|---------|----------|----------|-------|
| Federal statute: | New | _____ | Amended | _____ | Repealed | _____ |
| Federal rules or standards: | New | _____ | Amended | <u>1</u> | Repealed | _____ |
| Recently enacted state statutes: | New | <u>1</u> | Amended | <u>2</u> | Repealed | _____ |

The number of sections adopted at the request of a nongovernmental entity:

| | | | | | |
|-----|-------|---------|-------|----------|-------|
| New | _____ | Amended | _____ | Repealed | _____ |
|-----|-------|---------|-------|----------|-------|

The number of sections adopted in the agency's own initiative:

| | | | | | |
|-----|-------|---------|-----------|----------|-------|
| New | _____ | Amended | <u>12</u> | Repealed | _____ |
|-----|-------|---------|-----------|----------|-------|

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

| | | | | | |
|-----|----------|---------|-----------|----------|-------|
| New | <u>1</u> | Amended | <u>15</u> | Repealed | _____ |
|-----|----------|---------|-----------|----------|-------|

The number of sections adopted using:

| | | | | | | |
|---------------------------------------|-----|-------|---------|-------|----------|-------|
| Negotiated rule making: | New | _____ | Amended | _____ | Repealed | _____ |
| Pilot rule making: | New | _____ | Amended | _____ | Repealed | _____ |
| Other alternative rule making: | New | _____ | Amended | _____ | Repealed | _____ |